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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/334,054 06/15/99 JOHNSON

D 11381

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IM22/0413

EXAMINER

NOLAN, S

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

04/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/334,054

Applicant(s)

JOHNSON

Examiner

Sandra Nolan

Group Art Unit
1772



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-19 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration
- ☒ Claim(s) 6-9 and 13 is/are allowed.
- ☒ Claim(s) 1-5, 10-12, and 14-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 and 7
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements submitted on October 18, 1999 and December 8, 2000 (Paper Nos. 4 and 7) were considered by the examiner. Copies of the initialed disclosure citation forms are enclosed.

All of the cited disclosures except DE 3706061, which is not in English, were considered by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 12, 14, and 16-18 are rejected under 35 U.S.C. 102(b) and (e) as being anticipated by Payet et al (US 5,332,612).

Payet et al disclose the deposition of colloidal silica (col. 1, line 38) particles onto the outer surface of natural latex coated articles (col. 1, lines 8, and 62+; col. 3, lines 21-22). The silica absorbs at least some of the coagulant salt used when depositing the latex. The articles may have medical applications and may be any having hydrophobic substrates (col. 2, lines 47+).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5, 11, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (US 5,620,773) in view of Payet et al.

Nash discloses the use of silica particles (abstract) to texturize the outer surfaces of elastomeric gloves (col. 2, lines 30+). The silica is incorporated in the dispersion used to coat the gloves (col. 2, lines 33-35).

Nash does not teach the use of separate powder coating and latex application steps.

Payet et al is discussed above.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the steps and/or natural latex of Payet et al when making the

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texturized gloves of Nash if one wanted to gain the benefits of the coagulant/silica system when coating the gloves with a latex.

Motivation to employ the silica particles and coating steps of Payet et al in the texturizing coating system of Nash is found at col. 1, lines 66+ of Payet et al, where the use of silica with coagulants is discussed as providing even coatings having greater thicknesses than conventional ones. The use of the thicker, more even coatings of Payet when making the gloves would make the them stronger and assure that the texturized surface would work effectively.

The use of other latices, e.g., synthetic rubber or nitrile rubber latices [per claims 3, 4, 18 and 19], in place of the natural latex would have been a matter of design/engineering choice, depending on the properties desired in the final product.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nash and Payet et al as applied to claims 1-5, 11, and 15-19 above, and further in view of Momose (US 4,851,266).

Nash and Payet et al are discussed above.

They do not teach the use of silica-containing coatings on both sides of elastomeric gloves.

Momose teaches that powder coatings are applied to both the inner and outer surfaces of conventionally halogenated rubber gloves in order to change the slipperiness thereof (abstract).

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the coatings suggested by the combination of Nash with Payet et al, discussed above, on both the inner and outer surfaces of rubber gloves, per Momose.

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Motivation to employ coatings on both surfaces is found in the abstract of Momose, where the use of coatings on both surfaces of halogenated rubber gloves is said to prevent the release of chlorine into the atmosphere. The prevention of the release of chlorine is deemed desirable for environmental reasons.

Potentially Allowable Claims

8. *Note: Any indication of allowable subject matter herein is subject to further review and approval by the Examiner's supervisor.*
9. Claims 6-9 and 13 are deemed to be allowable over the prior art now of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra M. Nolan, whose telephone number is (703) 308-9545. The examiner can normally be reached on Monday through Thursday from 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application is assigned is (703) 305-5408. The telephone number for the receptionist is (703) 308-0661.

SMN

SMN/smn
April 9, 2001
09334054.1

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/9/01